

# Exhibit E

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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| In re:<br><br>FAIRFIELD SENTRY LIMITED, et al.,<br><br>Debtor in Foreign<br>Proceedings.   | Chapter 15 Case<br><br>Case No. 10-13164 (CGM)<br><br>Jointly Administered |
| FAIRFIELD SENTRY LTD. (IN<br>LIQUIDATION), et al.,<br><br>Plaintiffs,<br><br>v.<br><br>ABN AMRO SCHWEIZ AG, et al.,<br><br>Defendants. | Adv. Pro. No. 10-03636 (CGM)   |
| FAIRFIELD SENTRY LTD. (IN<br>LIQUIDATION), et al.,<br><br>Plaintiffs,<br><br>v.<br><br>ABN AMRO SCHWEIZ AG, et al.,<br><br>Defendants. | Adv. Pro. No. 10-03636 (CGM)   |

**PLAINTIFFS' AMENDED NOTICE OF RULE 30(B)(6) DEPOSITION TO  
DEFENDANT**

**PLEASE TAKE NOTICE** that, pursuant to Federal Rules of Bankruptcy Procedure 7026 and 7030, and Federal Rules of Civil Procedure 26 and 30 made applicable thereby, Plaintiffs Fairfield Sentry Limited (In Liquidation) ("Sentry"), Fairfield Sigma Limited (In Liquidation) ("Sigma"), and Fairfield Lambda Limited (In Liquidation) ("Lambda," and together with Sentry and Sigma, the "Funds"), acting by and through the Foreign Representatives thereof, and Kenneth Kryss and Greig Mitchell, solely in their capacities as Foreign Representatives and Liquidators thereof (together, "Plaintiffs") in the above-captioned adversary proceedings, will take the

deposition of the Defendant Banque Internationale à Luxembourg SA f/k/a Dexia Banque Internationale à Luxembourg (“Defendant” and together, with Liquidators, “Parties”) beginning on August 12, 2022, at 9:00 a.m. EDT. The deposition will continue from day to day until completed. The deposition will be by oral examination before a Notary Public or other officer fully authorized to administer oaths. The deposition will be recorded by stenographic means and may also be recorded by video tape, audio tape, or instant visual display of the stenographic record. The deposition will take place at the offices of Selendy Gay Elsberg PLLC, 1290 Avenue of the Americas, New York, NY 10104, or at other such time and place as the parties may agree. The deposition will cover the topics on the attached Schedule A. In addition, Defendant shall produce to Plaintiffs’ attorneys, Selendy Gay Elsberg PLLC, at 1290 Avenue of the Americas, New York, NY 10104, the Documents listed in the "Schedule A" at least 72 hours prior to the deposition.

**NOTICE IS HEREBY GIVEN** that pursuant to Federal Rule of Civil Procedure 30(b)(6), Defendant is required to designate one or more appropriate persons to testify on its behalf with respect to each of the topics set forth in Schedule A attached hereto, and the person(s) so designated shall be required to testify as to each of those topics known or reasonable available to Defendant.

Dated: New York, NY  
July 28, 2022

SELENDY GAY ELSBERG PLLC

/s/ David Elsberg

By:

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*Attorneys for Plaintiffs Foreign Representatives*

### **SCHEDULE A**

Pursuant to Federal Rule of Bankruptcy Procedure 7030, and Federal Rule of Civil Procedure 30(b)(6) incorporated thereby, Defendant is required to designate one or more officers, directors, managing agents, or other persons who consent to testify on its behalf about information known or reasonably available to Defendant with respect to the listed topics.

### **DEFINITIONS**

1. The singular form of a word includes the plural, and vice versa.
2. Any tense of a verb includes all tenses.
3. Any natural person includes that person's agents, assigns, attorneys, employees, representatives, and successors.
4. Any entity other than a natural person includes (a) that entity's present and former agents, affiliates (foreign or domestic), assigns, attorneys, consultants, directors, divisions, employees, officers, parents, predecessors, representatives, servants, subsidiaries, and successors; (b) any person or entity, directly or indirectly, wholly or in part, associated with, controlled by, or owned by that entity; (c) and any other person or entity acting or purporting to act on behalf of (a) or (b).
5. "Action" means the above-captioned adversary proceedings, No. 10-ap-03635 (CGM) and No. 10-ap-03636 (CGM).
6. "All," "any," and "each" mean any and all.
7. "And" and "or" are construed both conjunctively and disjunctively.
8. "BLMIS" means Bernard L. Madoff Investment Securities LLC, including the funds and accounts under its custody or management.
9. "Citco" refers to the entity Citco Group Limited and its subsidiaries or affiliates, including: Citco Group; Citco Global Custody NV; Citco Global Custody (NA) NV; CGC (NA);

Citco Fund Services (BVI); Citco Fund Services (Europe) B.V.; Citco (Canada) Inc.; Citco Global Security Services; Citco Bank Nederland N.V.; Citco Bank Nederland N.V. Dublin Branch; and Citco Banking Corporation N.V.

10. “Document” means “document” and “electronically stored information” as defined in Federal Rule of Civil Procedure 34. A draft or non-identical copy is a separate document within the meaning of this term.

11. “Electronically stored information” means “electronically stored information” as defined in Federal Rules of Civil Procedure 34.

12. “Fund” or “Funds” means Sentry, Sigma, and Lambda, individually or collectively.

13. “Identify” means (a) with respect to Persons, to give, to the extent known, the Person’s full name, present or last known address and contact information, and when referring to a natural person, additionally, the present or last known place of employment and the place of employment during the relevant time period; (b) with respect to Documents, either (i) to give, to the extent known, the (A) type of Document; (B) general subject matter; (C) date of the Document; and (D) author(s), addressee(s) and recipient(s); or (ii) to produce the Documents, together with sufficient identifying information to satisfy Federal Rule of Civil Procedure 33(d).

14. “Including” means including but not limited to.

15. “Liquidator” or “Liquidators” means Kenneth M. Krys and Greig Mitchell, individually or collectively, in their capacities as the duly appointed Liquidators and Foreign Representatives of the Funds.

16. “Person” means a natural person or legal entity including any business or governmental entity or association.

17. “Regarding” means (directly or indirectly, partially or wholly) about, alluding to, assessing, bearing upon, commenting upon, comprising, confirming, connected to, considering, containing, contradicting, dealing with, discussing, embodying, evaluating, evidencing, identifying, in connection with, indicating, in respect of, involving, memorializing, mentioning, noting, pertaining to, probative of, proving, recording, reflecting, referring to, regarding, relating to, reporting on, reviewing, setting forth, supporting, suggesting, summarizing, stating, showing, touching upon, a subject, or having been created, generated, or maintained in connection with or as a result of that subject.

18. “You” or “Your” means Defendant, your officers, directors, employees, partners, corporate parent, subsidiaries, or affiliates.

#### **LIST OF TOPICS OF EXAMINATION**

1. All facts and circumstances regarding when, how, and from whom You first received notice about the Action.

2. All facts and circumstances regarding when, how, and from whom You first received notice that BLMIS had been placed into liquidation on December 11, 2008 following public disclosure that it was a Ponzi scheme, and what actions, if any, You undertook to preserve information regarding Your or Your clients’ exposure to BLMIS or the Funds.

3. All facts and circumstances regarding when and to whom You issued litigation hold(s) related to BLMIS and/or this Action, if any, and the contents of such a litigation hold(s).

4. The names and firm affiliations of any lawyers, attorneys, agents, or vendors You retained in defending this Action or otherwise in connection with any anticipated litigation or dispute regarding BLMIS or the Funds; the approximate dates when those retention relationships began and, if applicable, ended; and any non-privileged work they performed or advice they

provided regarding Your retention or preservation of any information potentially relevant to this Action, BLMIS, or the Funds.

5. All facts regarding Your document retention, preservation, and destruction and/or deletion policies in the normal course of business, including but not limited to the preservation of electronically stored information, the preservation of electronic communications, and the systems deployed therein.

6. All facts and circumstances regarding Your retention, preservation, and destruction and/or deletion of Your pre-2008 e-mails or electronic communications, including but not limited to those emails of the custodians identified in Plaintiffs' May 31, 2022 e-mail to Defendant.

7. All facts and circumstances regarding Your effort to search for or locate pre-2008 e-mails or electronic communications that are potentially relevant to this Action, BLMIS, or the Funds, including but not limited to the pre-2008 e-mails or electronic communications of the custodians identified in Plaintiffs' May 31, 2022 e-mail to Defendant.

**LIST OF DOCUMENTS TO BE PRODUCED**

1. Any policy, procedure, manual, and/or guidance—whether formal or informal—governing Defendant's document preservation, retention, and destruction and/or deletion policy at the time You first received notice of this Action or otherwise in connection with any anticipated litigation or dispute regarding BLMIS or the Funds.

2. Any physical evidence, if any, demonstrating Your search(es) for e-mails or electronic communications relevant to this Action, including but not limited to Your search(es), if any, for the custodians identified in Plaintiffs' May 31, 2022 e-mail to Defendant.



3. All litigation hold(s), if any, distributed by You or Your lawyers, attorneys, agents, or vendors in relation to this Action or otherwise in connection with any anticipated litigation or dispute regarding BLMIS or the Funds.

4. All documents Defendant relied upon to refresh the recollection of or prepare its Corporate Representative for this 30(b)(6) deposition.

Dated: New York, NY  
July 28, 2021

Respectfully submitted,

SELENDY GAY ELSBERG PLLC

By: /s/ David Elsberg

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*Attorneys for Plaintiffs Foreign Representatives*

**CERTIFICATE OF SERVICE**

I, David Elsberg, hereby certify that on the 28th day of July, 2022, I caused to be served of  
the foregoing document upon counsel for Defendant by first-class mail at the following address:

Jeff E. Butler  
Meredith George  
Clifford Chance US LLP  
31 West 52nd Street  
New York, NY 10019  
jeff.butler@cliffordchance.com  
meredith.george@cliffordchance.com

Dated: New York, New York  
July 28, 2022

*/s/ David Elsberg*

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David Elsberg